

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

May 16, 2013

The Marlboro Township Council held its regularly scheduled Council Meeting on May 16, 2013 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council Vice President Marder opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 7, 2013; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building, filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

Boy Scout Troop 86 led the Salute to the Flag.

The Clerk called the Roll.

PRESENT: Councilman Cantor, Council Vice President Marder, Councilwoman Mazzola and Councilman Metzger. Council President LaRocca was absent.

Also present were: Mayor Jonathan L. Hornik, Louis N. Rainone, Esq., Business Administrator Jonathan Capp, Municipal Clerk Alida Manco and Deputy Municipal Clerk Deborah Usalowicz.

Council Vice President Marder opened the Public Hearing on the CDBG Grant Application for Improvements to Recreation Center and Library. The improvements include replacement of the exterior and interior ADA automatic doors within the vestibule of the Senior Recreation Center and replacement of the ADA automatic doors within the vestibule of the Municipal Library. As there was no one who wished to speak, the Public Hearing was closed.

The following Resolution #2013-181/Ordinance #2013-13 (Authorizing the Establishment of a Teen Advisory Committee) was introduced by reference, offered by Councilman Cantor and seconded by Councilwoman Mazzola. Council Vice President Marder opened the Public Hearing on Ord. #2013-13. As there was no one who wished to speak, the Public Hearing was closed. The resolution/ordinance

was then passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2013-181

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2013-13

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF A
TEEN ADVISORY COMMITTEE OF THE TOWNSHIP OF MARLBORO

which was introduced on May 2, 2013, public hearing held on May 16, 2013 be adopted on second and final reading this 16th day of May, 2013.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Resolution #2013-182/Ordinance #2013-14 (Amending Chapter 220 - Section 220-45.1 - Regulating Use and Placement of Temporary Storage Units) was introduced by reference, offered by Councilman Cantor, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2013-182

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2013-14

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 220 "LAND USE AND DEVELOPMENT", ARTICLE III, "ZONING: STANDARDS AND REGULATIONS", OF THE CODE OF THE TOWNSHIP OF MARLBORO BY ESTABLISHING A NEW SECTION 220-45.1 ENTITLED, "PORTABLE STORAGE UNITS" TO REGULATE THE USE AND PLACEMENT OF TEMPORARY STORAGE UNITS WITHIN THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on June 13, 2013 at 7:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2013-14

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 220 "LAND USE AND DEVELOPMENT", ARTICLE III, "ZONING: STANDARDS AND REGULATIONS", OF THE CODE OF THE TOWNSHIP OF MARLBORO BY ESTABLISHING A NEW SECTION 220-45.1 ENTITLED, "PORTABLE STORAGE UNITS" TO REGULATE THE USE AND PLACEMENT OF TEMPORARY STORAGE UNITS WITHIN THE TOWNSHIP OF MARLBORO

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 220, Land Use and Development Article III, "Zoning: Standards and Regulations", of the Code of The Township Of Marlboro be and is hereby amended and supplemented by establishing a new Section 220-45.1 entitled, Portable Storage Units, to regulate the use and placement of temporary storage units within the Township of Marlboro as follows:

§ 220-45.1 Portable Storage Units

A. Definitions. Portable Storage Units (hereinafter referred to as "PSU(S)") are units loaded with materials and placed on a property authorized for residential use for the purpose of temporarily storing materials including any container, storage unit, shed-like container or other portable structure that can be or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building other than an accessory building or shed complying with all building codes and land use requirements.

B. Permitted Temporary Uses. PSUS may be utilized as a temporary structure within the Township when in compliance with the standards of this subsection. It shall be the obligation of the owner and/or user of such temporary structure to secure it in a manner that does not endanger the safety of persons or property in the vicinity of the temporary structure. Any use of such structures within the Township not in compliance with this subsection shall be unlawful.

C. Permit required; application; fee. Before a PSU is placed on any property, the owner, tenant or contractor working on the subject property must submit an application for a zoning permit approving such placement from the Department of Community Development. If the permit application is made by a tenant or contractor, written permission of the owner of the subject property for the placement of such PSU on the subject property must be provided to the Department of Community Development before a permit is issued. Permits shall be issued for a time period of sixty (60) days for a fee of Twenty-five Dollars (\$25.00).

D. Number of PSUS. Only one (1) PSU may be placed at any residential property at one time.

E. Size of PSUS. PSUS may not exceed 8 feet 6 inches in height, 10 feet in width or 20 feet in length.

F. Duration.

(1) PSUS may be located as a temporary structure on property within the Township for a period not exceeding sixty (60) days in duration from time of delivery to time of removal. Such temporary structure may not be located on the same specific property more than two times in any given one year period.

(2) In the event of high winds or other weather conditions in which such structure may become a physical danger to persons or property, the Zoning Officer or a Code Enforcement Officer may require the immediate removal of such temporary structure.

(3) In the event of fire, hurricane or natural disaster causing substantial damage to a structure, the property owner may apply to the Township for permission to extend the time that a PSU may be located as a temporary structure on the property. Application for such extended duration shall be made in writing and filed with the Department of Community Development and shall give sufficient information to determine whether such extended duration should be granted. The Zoning Officer shall determine whether or not to grant such extended duration and the length of such extension. In the event of an adverse decision by the Zoning Officer, the applicant may appeal such decision to the Township Council. In the event of such appeal, the decision of the Township Council shall be final.

G. Location. PSUS are prohibited from being placed in streets, public right of ways, or on unimproved surfaces in the front yard of a property and may only be placed upon driveways, side and rear yards, if such locations meet the requirements of this Ordinance. All such locations must be paved, off-street surfaces at the furthest accessible point from the street, and all must comply with the side yard accessory structure setback requirements for any accessory structures in the zone in which such PSU is located. If the

property does not have a driveway, or cannot meet the standards described herein, the Zoning Officer may, as part of the permit approval process, approve the placement of a PSU in the front yard. If such PSU is to be permitted to be located in the front yard, the PSU must be kept at the furthest accessible point from the street and the surrounding area must be maintained in a weed free condition. Wherever PSUS may be placed, they shall be subject to all property maintenance standards applicable to accessory structures. No PSU shall be allowed to remain outside in a state of disassembly or disrepair.

H. Violations and penalties. Any PSU placed in violation of this Section or which is not removed at the end of the time for which it may lawfully remain in place, or immediately upon the direction of the Zoning Officer or a law enforcement officer for removal of such temporary structure for safety reasons, shall be punishable, upon conviction thereof, by a fine not to exceed One Thousand Two Hundred and Fifty Dollars (\$1,250.00) or by imprisonment for a term not to exceed ninety (90) days, or both, for each violation committed hereunder. Notwithstanding anything to the contrary contained herein, a violation of any portion of this Section may be punishable by a fine exceeding One Thousand Two Hundred and Fifty Dollars (\$1,250.00), but not more than Two Thousand Dollars (\$2,000.00), provided that the owner of the subject property be afforded a thirty (30) day period to cure or abate such violation and shall also be afforded an opportunity for a hearing before the Municipal Court for an independent determination concerning said violation. Subsequent to the expiration of the thirty (30) day cure period, a fine greater than One Thousand Two Hundred and Fifty Dollars (\$1,250.00), but not more than Two Thousand Dollars (\$2,000.00) may be imposed if the Municipal Court has not determined otherwise, or, upon re-inspection of the subject property it is determined that the abatement of the violation has not been completed. Every day that a violation continues after service of written notice by certified and/or regular mail on the owner of the subject property as shown in the latest tax duplicate shall be deemed a separate offense. The court may also order the removal of the violation by the Township, and the cost of such removal, together with the cost of administration of its removal, may be assessed against the property on which the temporary structure or PSU was located and may be filed as a lien against such property by the Township Clerk. Such lien shall be superior in dignity to all other liens or encumbrances upon the property, including the lien of a mortgage, and shall be equal in dignity to the lien of ad valorem taxes; and

BE IT FURTHER ORDAINED, if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolution #2013-183/Ordinance #2013-12 As Amended (Amending Chapter 220 - Amend Chapter 220 - Rezoning Block 213, Lots 3 and 4 from OPT-2 Zone to C-2 Zone and Zoning Map; Amending Section 220-81(C) (1) to Add a New Permitted Use in C-1 Village Commercial District; Amending Section 220-140 to Establish Setback for Small Sheds; Amending Section 220-34(B) (2) to Expand Grandfathering Provisions to Vacant Lots in Existing Subdivision; and Amending Section 220-41 to Amend Yield Provisions for Large Residences Built Pursuant to Cluster Provisions) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2013-183

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2013-12 (As Amended)

AN ORDINANCE REZONING THE PROPERTY KNOWN AS BLOCK 213 LOTS 3 AND 4 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO FOR THE PROPERTY LOCATED ON ROUTE 79 NEAR THE INTERSECTION OF ROUTE 520 FROM THE OPT-2 ZONE TO THE C-2 ZONE AND AMENDING THE ZONING MAP ACCORDINGLY, AMENDING SECTION 220-81 (C) (1) OF THE CODE TO ADD A NEW PERMITTED USE IN THE C-1 VILLAGE COMMERCIAL DISTRICT, AMENDING SECTION 220-140 OF THE CODE TO ESTABLISH SPECIFIC SETBACK STANDARDS FOR SMALL SHEDS AS ACCESSORY STRUCTURES, AMENDING SECTION 220-34 (B) (2) TO EXPAND THE SCOPE OF THE GRANDFATHERING PROVISIONS TO VACANT LOTS WHICH ARE PART OF AN EXISTING SUBDIVISION AND AMENDING SECTION 220-41 OF THE CODE TO AMEND THE YIELD PROVISIONS FOR LARGE RESIDENCES BUILT PURSUANT TO THE CLUSTER PROVISIONS

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on June 13, 2013 at 7:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED that the portions of this ordinance rezoning the property known as Block 213 Lots 3 and 4 for the property located on Route 79 near the intersection of Route 520 was recommended as part of a periodic general reexamination of the Master Plan by the Planning Board pursuant to N.J.S.A. 40:55D-89.

ORDINANCE # 2013-12 (As Amended)

AN ORDINANCE REZONING THE PROPERTY KNOWN AS BLOCK 213 LOTS 3 AND 4 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO FOR THE PROPERTY LOCATED ON ROUTE 79 NEAR THE INTERSECTION OF ROUTE 520 FROM THE OPT-2 ZONE TO THE C-2 ZONE AND AMENDING THE ZONING MAP ACCORDINGLY, AMENDING SECTION 220-81 (C) (1) OF THE CODE TO ADD A NEW PERMITTED USE IN THE C-1 VILLAGE COMMERCIAL DISTRICT, AMENDING SECTION 220-140 OF THE CODE TO ESTABLISH SPECIFIC SETBACK STANDARDS FOR SMALL SHEDS AS ACCESSORY STRUCTURES, AMENDING SECTION 220-34 (B) (2) TO EXPAND THE SCOPE OF THE GRANDFATHERING PROVISIONS TO VACANT LOTS WHICH ARE PART OF AN EXISTING SUBDIVISION AND AMENDING SECTION 220-41 OF THE CODE TO AMEND THE YIELD PROVISIONS FOR LARGE RESIDENCES BUILT PURSUANT TO THE CLUSTER PROVISIONS

WHEREAS, the July 2012 Master Plan Re-Examination Report recommended that the property known as Block 213 Lots 3 and 4 on the Official Tax Map of the Township of Marlboro located on Route 79 near the intersection of County Route 520 be rezoned from its current OPT-2 Zoning to C-2 Zoning: and

WHEREAS, there has been a request to re-zone the property to the C-2 Zone; and

WHEREAS, the property is four (4) acres in size; and

WHEREAS, the proposed C-2 zoning is consistent with the adjacent property at the intersection of Routes 79 and 520, and

WHEREAS, there are no Environmental constraints on the site and the area is located in the sewer service area.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, that the property

known as Block 213 Lots 3 and 4 on the Official Tax Map of the Township of Marlboro located on Route 79 near the intersection of Route 520 is hereby rezoned from the OPT-2 Zone to the C-2 Zone as per the July 2012 Master Plan Re-Examination and a rezoning request.

BE IT FURTHER ORDAINED, that the Official Zoning Map of the Township of Marlboro authorized by Section 220-34(B) of the Code of the Township of Marlboro is hereby amended to provide that the property located at Block 213 Lots 3 and 4 on Route 79 near the intersection with County Route 520 shall be shown as part of the C-2 Zone.

BE IT FURTHER ORDAINED, that Section 220-81(C)(1) of the Code of the Township of Marlboro setting forth the permitted uses in the C-1 Village Commercial District is hereby amended and supplemented to add a new section 220-81(C)(1)(f) with a new permitted use in the zone as follows:

(f) Single family detached dwellings and accessory residences as existing or approved within the zone at the time of the passage of this ordinance. The Area, Yard and Building requirements of the MFD-1 residential zone for single family homes shall be applicable to these existing residential uses.

BE IT FURTHER ORDAINED, that Section 220-140 of the Code of the Township of Marlboro entitled "Accessory Buildings and Structures" is hereby amended and supplemented to amend section 220-140(E) entitled "Location" to renumber the section and add a new provision establishing specific setback standards to be solely applicable to small sheds which are placed on a property as an accessory structure as follows:

E. Location. 1) Accessory buildings or structures may be erected on lots in accordance with the schedule of limitations, except that no commercial animal shelter shall be erected nearer than 500 feet, or any livestock shelter nearer than 100 feet, to any lot line, and except that these provisions shall not apply to parking spaces in front yards. If located in a front yard, accessory buildings or structures shall be set back a minimum of twice the distance from any street line than is required for a principal building. Accessory structures in second front yards shall be set back the same distance from the street line as the principal structure is required to be set back. If located on a corner lot, the provisions of this chapter also apply.

2) The setbacks for sheds that are placed on a property as an accessory structure and are not larger than one hundred (100) square feet and not taller than eleven (11') feet in height and which only require the issuance of a zoning permit shall be a minimum of five (5') feet from the rear and side property lines.

Not more than one such shed shall be permitted to be placed on the property.

BE IT FURTHER ORDAINED, that Section 220-34(B)(2) entitled "Grandfathering Clause" is hereby amended and supplemented and renumbered to expand the scope of the grandfathering provisions to vacant lots which are part of an existing subdivision in which some, but not all , of the approved lots have been developed and have dwellings constructed on them as follows:

1) Grandfathering clause. 1) The requirements of the LC Land Conservation District shall not apply to any property referenced in Ordinance No. 2006-15 that maintains a single-family residential structure, as of the effective date of said ordinance, that is in full compliance with the requirements of the R-80 Residential District and any other applicable state and Township laws and requirements, provided that said property would not be further subdivided. Should such an application to subdivide come forward, the applicant would then be required to meet the zoning standards established for the LC Land Conservation District. In all other instances, the zoning standards in place for the R-80 Residential District would apply.

2) In the event that a property has been part of a previously approved residential subdivision in which some, but not all, of the approved lots have been developed and have dwellings constructed on them and if such development has been rezoned subsequent to the subdivision approval, then vacant lots within the existing or approved subdivision(s) may be developed in accordance with the same approvals issued to the original subdivision under the former zoning requirements. This provision shall not be applicable to any remnant lot in undeveloped areas that may be subject to further subdivision, or whose development as a single family residential lot was not approved as part of the subdivision approval under the applicable former zoning.

BE IT FURTHER ORDAINED, that Section 220-41 of the Code of the Township of Marlboro entitled "CLUSTER PROVISIONS" is hereby amended by modifying Section 220-41 (I)(1), " FLOODPLAINS AND WETLANDS" as follows:

(1) The subdivider shall submit a plat map showing the development according to the requirements of the particular zoning district as shown on the Schedule of Area, Yard and Building Requirements in § 220-34 and another plat map showing the development as modified in accordance with the cluster provision of that particular zone. If the proposed residential dwellings are equal to or greater than 7500 square feet in size the density of development (as per Table II Schedule of Area, Yard and Building Requirements: Cluster Provisions of 220

Attachment 10) throughout the proposed subdivision may exceed the exact number of lots that would be permitted to be built if such development had proceeded on the noncluster lot size provision eliminating the existing and delineated wetlands. If the proposed residential dwellings do not equal or exceed 7500 square feet in size, the density of the development shall not exceed the exact number of lots that would be permitted if such development had proceeded on the noncluster lot size provision eliminating the existing and delineated wetlands and floodplains. The plat showing the subdivision at its nonclustered lot size exclusive of the existing and delineated wetlands and floodplains shall be the governing factor in establishing a yield or a number of lots for that particular subdivision. That yield and the size of the proposed residential dwellings shall be the final determining factor for the number of lots that may be achieved if the cluster option were selected.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed invalid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolution #2013-184 (Authorizing Developers Agreement Water Utility/Camelot) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder and passed on a roll call vote of 3 - 0 in favor, with Councilwoman Mazzola abstaining (Absent: LaRocca).

RESOLUTION # 2013-184

A RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO, AND CAMELOT AT MARLBORO IN CONNECTION WITH PRELIMINARY, TENTATIVE AND FINAL WATER SERVICE APPROVAL FOR THE SITE LOCATED ON BLOCK 132, LOT 18, ROUTE 79 AND BEACON HILL ROAD, TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, Camelot At Marlboro (the "Developer") has applied to the Township of Marlboro Water Utility Division for Preliminary, Tentative and Final Water Service Approval for the property

located at Route 79 and Beacon Hill Road, which is known as Block 132 Lot 18, on the Official Tax Map of the Township of Marlboro, Monmouth County New Jersey, (the "Site") to construct a 250 unit multi-family residential development which will also include a community building/clubhouse and a maintenance building (the "Project"); and

WHEREAS, the Township of Marlboro Water Utility Division has granted approval with respect to the water service to the Project and the site and conditioned the approval upon the Developer entering into a Developer Agreement with the Township of Marlboro Water Utility Division and posting all the necessary performance guarantees; and

WHEREAS, the Developer Agreement has been negotiated by the parties, and the negotiation and preparation of same shall be paid for from Developer's escrow account held by the Township of Marlboro; and

WHEREAS, the necessary performance guarantees, cash deposits and insurance certificates shall be subject to the review and approval of the Township Attorney.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, that the execution by the Director of Public Works on behalf of the Township of Marlboro Water Utility Division be and is hereby ratified and the Mayor is authorized to execute and the Municipal Clerk is authorized to witness, the Developer Agreement with Camelot At Marlboro (the "Developer") for the Preliminary, Tentative and Final Water Service Approval issued for the site located on Block 132, Lot 18, on the Official Tax Map of the Township of Marlboro, Monmouth County New Jersey, which is located on Route 79 and Beacon Hill Road, the negotiation and preparation of which shall be paid for from the Developer's escrow account held by the Township of Marlboro; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Camelot At Marlboro
- b. Township Business Administrator
- c. Township Engineer
- d. Township Chief Financial Officer
- e. Marlboro Township Water Utility Division

The following Resolution #2013-185 (Approving Developers Agreement Water Utility/Marlboro Commons) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2013-185

A RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO, AND MARLBORO COMMONS, LLC, MARLBORO COMMONS/BANCO, LLC AND MARLBORO COMMONS/PHARMACY, LLC IN CONNECTION WITH PRELIMINARY, TENTATIVE AND FINAL WATER SERVICE APPROVAL FOR THE SITE LOCATED ON BLOCK 270 LOT 11.01, BLOCK 270 LOT 10.01 and BLOCK 270 LOT 9.01, ROUTE 9, TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, MARLBORO COMMONS, LLC, MARLBORO COMMONS/BANCO, LLC AND MARLBORO COMMONS/PHARMACY, LLC (the "Developer") has applied to the Township of Marlboro Water Utility Division for Preliminary, Tentative and Final Water Service Approval for the property located at US Route 9, which is known as Block 270 Lot 11.01, Block 270 Lot 10.01 and Block 270 Lot 9.01 on the Official Tax Map of the Township of Marlboro, Monmouth County New Jersey, (the "Site") to construct Marlboro Commons, which will consist of a proposed commercial development containing up to a maximum of 138,442 square feet (the "Project"); and

WHEREAS, the Township of Marlboro Water Utility Division has granted approval with respect to the water service to the Project and the site and conditioned the approval upon the Developer entering into a Developer Agreement with the Township of Marlboro Water Utility Division and posting all the necessary performance guarantees; and

WHEREAS, the Developer Agreement has been negotiated by the parties, and the negotiation and preparation of same shall be paid for from Developer's escrow account held by the Township of Marlboro; and

WHEREAS, the necessary performance guarantees, cash deposits and insurance certificates shall be subject to the review and approval of the Township Attorney.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, that the execution by the Director of Public Works on behalf of the Township of Marlboro Water Utility Division be and is hereby ratified and the Mayor is authorized to execute and the Municipal Clerk is authorized to witness, the Developer Agreement with MARLBORO COMMONS, LLC, MARLBORO COMMONS/BANCO, LLC AND MARLBORO COMMONS/PHARMACY, LLC (the "Developer") for the Preliminary, Tentative and Final Water Service Approval issued for the site located on Block 270 Lot 11.01, Block 270 Lot 10.01 and Block 270 Lot 9.01 on the Official Tax Map of the Township of Marlboro, Monmouth County New Jersey, which is located on Route 9, the negotiation and preparation of which shall be paid for from the Developer's escrow account held by the Township of Marlboro; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. MARLBORO COMMONS, LLC, MARLBORO COMMONS/BANCO, LLC
AND MARLBORO COMMONS/PHARMACY, LLC
- b. Township Engineer
- c. Township Chief Financial Officer
- d. Marlboro Township Water Utility Division

The following Resolution #2013-186 (Authorizing Confirmation of NJEIT Loan - Tennent Road Treatment Plant) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2013-186

RESOLUTION CONFIRMING THE DETAILS OF THE SALE OF
GENERAL OBLIGATION BONDS IN THE AGGREGATE
PRINCIPAL AMOUNT OF \$6,754,693 OF THE TOWNSHIP OF
MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY,
TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE
TRUST AND TO THE STATE OF NEW JERSEY, ACTING BY
AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL
PROTECTION, PURSUANT TO THE STATE FISCAL YEAR 2013
NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST
FINANCING PROGRAM FOR FUNDING THE TOWNSHIP'S WATER
TREATMENT PLANT AND WELL PROJECT

WHEREAS, the Township of Marlboro (the "Local Unit"), in the County of Monmouth, New Jersey, has determined that there exists a need within the Local Unit to construct that certain water treatment plant and well project (the "Project"), as said Project shall be more particularly defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the State Fiscal Year 2013 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and

together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's General Obligation Bonds to the Trust (the "Trust Loan Bond") and General Obligation Bonds to the State (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Local Unit Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law, the Loan Agreements and the Escrow Agreement dated April 18, 2013 (the "Escrow Agreement") by and among the Trust, the State, the Local Unit and the escrow agent named therein;

WHEREAS, N.J.S.A. 40A:2-27(a) (2) of the Local Bond Law allows for the sale of the Trust Loan Bond and the Fund Loan Bond to the Trust and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the Trust Loan Bond to the Trust, without any public offering, all under the terms and conditions set forth herein; and

WHEREAS, in accordance with the terms of the Escrow Agreement, the Trust has sold its bonds to fund the Trust Loan, thereby enabling the Local Unit to confirm the exact aggregate principal amount of and debt service schedule for the Local Unit Bonds.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. The sale of the Trust Loan Bond to the Trust and the Fund Loan Bond to the State is hereby confirmed. The Trust Loan Bond shall be released from escrow in accordance with the terms of the Escrow Agreement and thereby issued in accordance with the principal loan amount, interest rates and maturity schedule set forth in Schedule A attached hereto and made a part hereof. The Fund Loan Bond shall be released from escrow in accordance with the terms of the Escrow Agreement and thereby issued in accordance with the principal loan amount and maturity schedule set forth in Schedule B attached hereto and made a part hereof.

Section 3. This resolution shall take effect immediately.

Section 4. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to DeCotiis, FitzPatrick & Cole, LLP, bond counsel to the Local

Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

The following Resolution #2013-187 (Liquor License Transfer - Brooks Edge Plaza to B & B Hospitality - Person to Person and Place to Place transfer) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Metzger and passed on a roll call vote of 3 - 0 with Councilman Cantor abstaining (Absent: LaRocca).

RESOLUTION # 2013-187

A RESOLUTION OF THE TOWNSHIP OF MARLBORO AUTHORIZING A PERSON
-TO-PERSON AND PLACE TO PLACE TRANSFER OF PLENARY RETAIL
CONSUMPTION LICENSE NUMBER 1328-33-019-001 FROM BROOKS EDGE
PLAZA, LLC TO B & B HOSPITALITY GROUP, LLC T/A OSTERIA

WHEREAS, application was made to the Township of Marlboro ("Township") by B & B Hospitality Group, LLC T/A Osteria ("Applicant") for a person-to-person and place-to-place transfer of Plenary Retail Consumption License Number 1328-33-019-001 ("License") presently held by Brooks Edge Plaza, LLC which is to be sited at 91 South Main Street, Marlboro, N.J. (the "Premises"); and

WHEREAS, the Applicant has disclosed, and the appropriate Township officials have reviewed, the source of all funds used in connection with the purchase of said license, which information is contained in the report of the Police Department concerning this transfer application; and

1. The submitted application form is complete in all respects;
2. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or Division-approved conditions; and
3. The Applicant has disclosed and the Township has reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the application and all supporting documentation and

finds it appropriate to approve the transfer of the aforesaid plenary retail consumption license.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the application by B & B Hospitality Group, LLC T/A Osteria for a person to person and place to place transfer of Plenary Retail Consumption License Number 1328-33-019-001 presently held by Brooks Edge Plaza, LLC be and is hereby is approved subject to the conditions set forth herein below:

1. The approval of the Division of Alcoholic Beverage Control to the person-to-person and place-to-place transfer of the aforesaid license to B & B Hospitality Group, LLC T/A Osteria.
2. That, prior to the use of the aforesaid license for the sale, service or consumption of alcoholic beverages on the premises, the licensee notify the Code Enforcement Officer of the Township of Marlboro in order that said officials shall make an inspection of the premises and issue a determination of the maximum permitted occupancy of the premises pursuant to applicable Township ordinances.
3. That the licensee comply with the aforesaid maximum occupancy of the premises as determined by the Code Enforcement Officer of the Township of Marlboro.
4. Subject to final clearance from all appropriate law enforcement agencies.

BE IT FURTHER RESOLVED that the license transferred herewith shall be subject to suspension or revocation for a violation of any of the aforesaid conditions pursuant to N.J.S.A. 33:1-32; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. B & B Hospitality Group, LLC T/A Osteria, 91 South Main Street, Marlboro, New Jersey 07746
- b. Brooks Edge Plaza, Inc., 71 South Main Street, Marlboro, New Jersey 07746
- c. Township Administrator
- d. Township Building Department
- e. Township Chief Financial Officer
- f. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2013-188 (Authorizing Bond Release for Royal Oaks - Kaiser Court) was introduced by reference, offered by

Councilwoman Mazzola, seconded by Council Vice President Marder and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca) .

RESOLUTION # 2013-188

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR
THE SITE KNOWN AS ROYAL OAK SUBDIVISION, BLOCK(S) 153, LOT(S)
78.02, 79.01, 79.02, 79.03, TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Diamond Custom Builders for release of the Township held Performance Guarantees in the form of a Performance Guarantee and cash deposit for site improvements ("Public Improvements") on the Site known as "Royal Oak Subdivision" (the "Site"), property known as Block(S) 153, Lot(S) 78.02, 79.01, 79.02, 79.03, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Diamond Custom Builders (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated May 1, 2013, regarding the completion of the Public Improvements at the Site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Performance Guarantee in the form of a Bond, Bond No. 104640 issued by Garden State Indemnity Company in the amount of \$170,670.00, and cash deposit in the amount of \$18,963.00, plus accrued interest, posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release and the waiving of the posting of a two (2) year fifteen percent (15%) maintenance bond; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Performance Guarantee.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the above-described Performance Guarantee in the form of a Bond, Bond No. 104640 issued by Garden State Indemnity Company in the amount of \$170,670.00, and cash deposit in the amount of \$18,963.00, plus accrued interest, posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release and waiving of the

posting of a two (2) year fifteen percent (15%) maintenance bond;
and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Diamond Custom Builders
- b. Garden State Indemnity Company
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer

The following Resolutions were introduced by reference, offered by Councilwoman Mazzola, seconded by Council Vice President Marder and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca): Res. #2013-189 (Authorizing application to Bergen County's Cooperative Pricing System), Res. #2013-190 (Authorizing Application for COPS Ahead Grant), Res. #2013-191 (Authorizing Auction of Surplus Property via GovDeals), Res. #2013-192 (Award of Bid - Vanderburg Road Phase II Road Improvements), Res. #2013-193 (Authorizing Shares Services Agreement with BOE for Rec. Busing), Res. #2013-194 (Authorizing Annual Recycling Tonnage Grant), Res. #2013-195 (Redemption Tax Sale Certs) and Res. # 2013-196 (Award of Bid - T-Shirts (Rec., Swim, etc)).

RESOLUTION 2013-189

RESOLUTION FOR MEMBER PARTICIPATION IN A COOPERATIVE PRICING SYSTEM

WHEREAS, NJSA 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the County of Bergen, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods or services; and

WHEREAS, on May 16, 2013, the governing body of the Township of Marlboro, County of Monmouth, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE, BE IT RESOLVED as follows:

TITLE

This resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Marlboro

AUTHORITY

Pursuant to the provisions of NJSA 40A:11-11(5), the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. County of Bergen Department of Administration and Finance
- b. Mayor Jonathan L. Hornik
- c. Township Chief Financial Officer

RESOLUTION # 2013-190

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO APPLY FOR THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, FY 2013 COPS HIRING PROGRAM (CHP) FOR THE MARLBORO TOWNSHIP POLICE

WHEREAS, the U.S Department of Justice, FY 2013 Cops Hiring Program (CHP) provides funding directly to law enforcement agencies to hire and/or rehire career law enforcement officers in an effort to increase their community policing capacity and crime prevention efforts; and,

WHEREAS, the funds are dedicated funds and cannot be used for any other purpose; and,

WHEREAS, the FY2013 CHP grant will cover up to 75% of the approved entry-level salary and fringe benefits of each newly hired and/or rehired, full-time sworn career law enforcement officer over a 3 year (36-months) grant period, with a minimum 25% local cash match requirement and maximum federal share of \$125,000 per officer position; and

WHEREAS, Total federal share for three (3) officers over 3 years is \$375,000 and Local share for three (3) officers over 3 years is estimated at \$220,437.

WHEREAS, the Township wishes to apply for the maximum amount of three (3) officers based on 5% of total sworn officers for Marlboro Township along with hiring one (1) new hire and two (2) rehires (sworn NJ officers laid off) with incorporating one (1) of those officers a military veteran as requested by the CHP grant; and,

WHEREAS, the township agrees to maintain the three (3) officers for 12 months after the 3 year grant period as a requirement of the CHP grant requires.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the Township is hereby authorized to submit a grant application to the U.S. Department of Justice, FY2013 Cops Hiring Program (CHP) and execute an agreement for funding from the FY2013 Cops Hiring Program.

RESOLUTION # 2013-191

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS
MUNICIPAL PERSONAL PROPERTY NOT NEEDED FOR
PUBLIC USE BY PUBLIC ON-LINE AUCTION

WHEREAS, pursuant to N.J.S.A. 40A:11-36, a municipality may, by resolution, authorize the sale of its personal property not needed for public use; and

WHEREAS, the Department of Community Affairs, Division of Local Government Services ("DCA") has issued Local Finance Notice 2008-9 ("LFN-2008-9") which permits a municipality to sell its personal property not needed for public use on-line; and

WHEREAS, LFN-2008-9 sets forth procedural guidelines regarding the use of a on-line public auction for the sale of such municipal personal property not needed for public use; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro deem that it is in the best interests of the Township of Marlboro to sell the Township's personal property not needed for public use using the on-line auction process set forth in LFN-2008-9; and

WHEREAS, govdeals.com is one of the internet based vendors approved by the DCA to carry out on-line auctions of municipal property not needed for public use.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that:

1. The Township hereby determines that its personal property described on Exhibit "A" attached hereto and made a part hereof and entitled "Surplus Property of the Township of Marlboro" and dated May 16, 2013 is personal property no longer needed for public use by the Township of Marlboro; and
2. The Township further determines that such surplus personal property listed on Exhibit "A"

shall be sold by auction on-line by
govdeals.com; and

3. The sale of such surplus property listed on Exhibit "A" shall be conducted pursuant to the procedures set forth in Local Finance Notice 2008-9; and
4. The terms and conditions of the Agreement between the Township of Marlboro and govdeals.com are available for public viewing at the website of govdeals.com and on file in the Clerk's Office of the Township of Marlboro; and
5. The Mayor or Business Administrator and Township Clerk are hereby authorized to execute and witness, respectively, the On-Line Auction Agreement and any other documents required to effectuate the sale of the Township's surplus personal property described in Exhibit "A"; and
6. The Township Clerk shall, pursuant to the terms of N.J.S.A. 40A:11-36, publish a legal newspaper advertisement informing the public as to the nature of the surplus property being sold and how to obtain more information on the internet based sale in the official newspaper of the Township of Marlboro as follows:

- a. An announcement of the auction and that the item(s) shall be sold on-line;
- b. the internet address for the sale being advertised;
- c. the date and time of the auction and a general description of the surplus personal property intended to be sold, however specific information for particular items, such as the VIN number for vehicles, is not required is not required in the newspaper advertisement; and
- d. a statement that bidders must pre-register with the approved internet based vendor and the internet address with registration information.

7. Pursuant to N.J.S.A. 40A:11-36, sales shall be held not less than seven (7) nor more than fourteen (14) days after the latest publication of the advertisement.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. govdeals.com
- b. IT Department
- c. Chief Financial Officer

d. Division of Local Government Services,
Department of Community Affairs

RESOLUTION # 2013-192

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO
MECO, INC. FOR IMPROVEMENTS TO VANDERBURG ROAD PHASE II

WHEREAS, the Township of Marlboro as part of its 2012
capital program (060-3) authorized road improvements to
Vanderburg Road Phase II; and

WHEREAS, the Township of Marlboro has authorized the
acceptance of bids for IMPROVEMENTS TO VANDERBURG ROAD PHASE II,
and on May 7, 2013, received eight (8) bids, as follows:

*Bid amounts for Deletion Items adjusted for errors in calculation

	Base Bid	Base Less Del Item A	Base Less Del Item A&B	Base Less Del Item A&B&C
Meco, Inc. Clarksburg, NJ 08510*	389,713.19	41,816.37	46,704.70	61,765.41
Lucas Construction Group, Inc. Morganville, NJ 07751	392,900.24	43,195.48	47,340.13	64,849.02
Fernandes Construction, Inc. South River, NJ 08882*	401,044.50	43,900.00	51,720.00	67,310.00
Black Rock Enterprises, LLC Old Bridge, NJ 08857	408,326.48	43,304.70	49,128.96	65,693.00
JADS Construction Co. South River, NJ 08882	411,271.68	45,482.60	51,023.65	62,902.60
Earle Asphalt Co. Farmingdale, NJ 07727	413,913.13	47,552.06	52,498.37	68,873.48
Mark Paving Co. Inc. Woodbridge, NJ 07095*	456,609.64	47,785.21	52,908.64	72,268.91
Esposito Construction Matawan, NJ 07747*	505,674.00	53,738.75	58,984.50	74,313.50

; and

WHEREAS, the base bid of the apparent low bidder, MECO, INC.
of Clarksburg, NJ, expressed as \$388,089.35 was submitted with a
minor calculation error, which, when corrected, results in a base
bid totaling \$389,713.19; and

WHEREAS, the bid submission of MECO, INC., as corrected,
remains the apparent low bid; and

WHEREAS, the submission of MECO, INC. has been determined to
be otherwise complete and responsive as detailed in an May 10,
2013 memo transmitted by the Township Engineer; and

WHEREAS, the Mayor and Township Council have indicated their
desire to accept the recommendation of the Township Engineer to
award the bid as set forth herein;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the
Township Council of the Township of Marlboro, that a contract be

awarded to MECO, INC., whose address is PO Box 536, Clarksburg, NJ 08510 in an amount not to exceed \$389,713.19 for IMPROVEMENTS TO VANDERBURG ROAD PHASE II; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with MECO, INC. in an amount not to exceed \$389,713.19; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$389,713.19 are available for the aforesaid contract in Capital Accounts 04-215-12-08F-120288 and 04-215-13-08B-120288; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. MECO, INC.
- b. Township Administration
- c. Director of Public Works
- d. Township Engineer
- e. Chief Financial Officer

RESOLUTION # 2013-193

AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE MARLBORO
TOWNSHIP BOARD OF EDUCATION FOR BUS TRANSPORTATION SERVICES
OF CHILDREN TO AND FROM THE TOWNSHIP OF MARLBORO'S
2013 SUMMER RECREATION CAMP PROGRAM

WHEREAS, the Marlboro Township Board of Education (the "Board") owns/leases a fleet of school buses used to transport children to and from schools that comprise the Marlboro Township School District (the "District"); and

WHEREAS, the Township of Marlboro (the "Township") intends to operate a Summer Camp Recreation Camp Program ("Summer Camp") for the Township's resident children, some of whom shall require transportation to and from home to the various camp sites (schools), as well as some of whom shall require transportation to and from the Township Recreation Center for the pre and after camp program to the various camp sites, as well as all campers who will require transportation to and from the various camp sites to the Aquatics Center, as well as all campers who will require transportation to and from the camp sites to other trip destinations inside and outside of the Township for Summer Camp activities (the "Transportation Services"); and

WHEREAS, pursuant to N.J.S.A. 18A:39-22, the Board is authorized to permit the use of school buses it owns or leases for the purpose of transporting children and adults participating

in a recreation or other program operated by the municipality in which the Board's School District is located; and

WHEREAS, the Township and the Board desire to enter into a Shared Services Agreement to provide Transportation Services for the Summer Camp for the period commencing on or about July 1, 2013 and terminating on August 9, 2013; and

WHEREAS, the costs of the Transportation Services for Summer Camp shall be paid by the Township to the Board as follows:

(1) Transportation to and from the camper's home to the various camp sites at the rates specified below for an amount not to exceed \$50,050.00:

- (a) \$275.00 for each six week Summer Camp participant
- (b) \$220.00 for each five week Summer Camp participant
- (c) \$130.00 for each three week Summer Camp participant

(2) For shuttle services comprising transportation of Summer Camp participants not to exceed \$40,000.00:

- (a) to and from the Township Recreation Center for the pre and after camp program to the various camp sites
- (b) to and from the various camp sites to the Aquatics Center

(3) Transportation to and from trip destinations as determined by the Township Recreation Department, \$250.00 per day, per bus plus the cost of tolls and parking fees: for an amount not to exceed \$66,000.00.

WHEREAS, N.J.S.A. 40A:65-1 et seq. authorizes local units to enter into shared services agreements for the provision of services, including the transportation services contemplated herein; and

WHEREAS, the proposed Shared Services Agreement for the Transportation Services is on file in the Township Clerk's office in accordance with the provisions of N.J.S.A. 40A:65-5(b); and

WHEREAS, funds for the transportation services will be available in the Recreation Trust Account #09-201-55-400-288-480; and

WHEREAS, the Mayor and Marlboro Township Council desire to enter into the proposed Shared Services Agreement with the Board pursuant to the above-described terms and conditions for a total contract amount not to exceed \$156,050.00.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Mayor and Township Clerk are hereby authorized

and directed to execute and witness, respectively, the proposed Shared Services Agreement in a form substantially similar as that attached hereto for the provision of transportation services for the Marlboro Township Summer Camp Program for the term and conditions described hereinabove; and

BE IT FURTHER RESOLVED, that, pursuant to N.J.S.A. 40A:65-4(b), a copy of the shared services agreement authorized herein shall be filed with the Division of Local Government Services in the Department of Community Affairs for informational purposes; and

BE IT FURTHER RESOLVED, that a copy of the shared services agreement authorized herein shall be open to the public for inspection in the Township Clerk's Office; and

BE IT FURTHER RESOLVED that a duly certified copy of this resolution be forwarded to:

- a. Marlboro Township Board of Education
- b. Recreation Department
- c. Business Administrator
- d. Chief Financial Officer

RESOLUTION # 2013-194

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Marlboro Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that Marlboro Township hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and Energy and designates the Recycling Coordinator to ensure that the said Application is properly filed.

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

RESOLUTION # 2013-195

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 189,885.50 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$ 189,885.50 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2013-101	300/79	Nasdom, LLC	331.60
239 Yellowknife Road		1527 E 35 th Street Brooklyn, NY 11234 Assessed Owner: Hale, Mary Lee	
2013-052	178/2/C0457	Nasdom, LLC	280.78
457 Hawthorne Place		1527 E 35 th Street Brooklyn, NY 11234 Assessed Owner: Elmo, Jacqueline	
2013-127	396/1/C0293	Alan Yeung	717.79
293 Plum Drive		438 Boulder Drive Morganville, NJ 07751 Assessed Owner: Brown, Winston	

2013-037 173/7/C0340 340 Mayfair Place	Bulwark Systems, LLC 22 Emily Road Manalapan, NJ 07726 Assessed Owner: Valenti, Jason P.	784.37
2013-050 178/2/C0155 155 Tanglewood Place	Bulwark Systems, LLC 22 Emily Road Manalapan, NJ 07726 Assessed Owner: Martinez, C & Martinez, E.	1,573.84
2012-035 154/5 90 Reids Hill Road	Rosehill Fund I, LLC P.O. Box 503 Rye, NY 10580 Assessed Owner: Guerra, Susan	18,342.35
2013-113 360/6 190 Boundary Road	US BANK CUT/EMPIRE V 50 S. 16 th Street Suite 1950 Philadelphia, PA 19102 Assessed Owners: Air-Cryo Inc. (Emirate Indust Gase)	46,214.77
2013-97 288/29/C0036 36 Aspen Ave	Bulwark Systems, LLC 22 Emily Road Manalapan, NJ 07726 Assessed Owner: Desero, Donna	3,980.43
11-31 119.01/33 44 Rachael Drive	Virgo Municipal Finance Fund 1441 Broadway Suite 5010 New York, NY 10018 Assessed Owner: Furio Associates, Inc.	41,158.60
2013-048 176.03/4 56 Enclosure Dr	Bulwark Systems, LLC 22 Emily Road Manalapan, NJ 07726 Assessed Owner: Ostroff, Matthew S. & Susan G	843.45
2013-027 157/24 2 Orchard Hills Parkway	US BANK C/F NJ Boardwalk, LLC LB#005191 P.O. Box 945191 Cincinnati, OH 45264 Assessed Owner: Patel, Ashok R.	75,657.52
		TOTAL: 189,885.50

RESOLUTION # 2013-196

A RESOLUTION AWARDING CONTRACT TO CAMPUS COORDINATES
FOR THE PROVISION OF T-SHIRTS IN VARIOUS COLORS AND
SIZES FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for THE PROVISION OF T-SHIRTS IN VARIOUS COLORS AND SIZES FOR THE TOWNSHIP OF MARLBORO, and on May 7, 2013, received six (6) bids therefor; and

WHEREAS, the six (6) bids received based upon estimated quantities were as follows:

Vendor		Recreation	Swim	Misc	Total
SP Designs & Mfg, Inc	Cape Coral, FL	34,885.40	17,097.72	5,496.72	57,479.84
Apparel Zone, Inc.	Morganville	40,002.30	21,533.00	6,197.25	67,732.55
Campus Coordinates	Freehold	57,438.23	16,235.04	5,015.20	78,688.47
Dot Designing LLC	Monroe Twp	63,732.67	16,715.72	6,192.53	86,640.92
Metuchen Center Inc.	New Bruns	62,808.61	18,118.96	6,029.30	86,956.87
M. Hamco Int'l Inc.	Deal Park	49,881.75	29,079.85	9,934.75	88,896.35*

*Bid amount adjusted for error in calculation.

WHEREAS, pursuant to N.J.S.A. 40A:11-23.2(a), failure to submit a guarantee at the time specified by the contracting unit for the receipt of bids shall be deemed a fatal defect that shall render the bid proposal unresponsive; and

WHEREAS, the proposals received from both the first and second apparent lowest bidders, SP Designs & Mfg, Inc. and Apparel Zone did not contain the requested bid guarantee making them unresponsive; and

WHEREAS, it has been determined by the Business Administrator and Director of Recreation that the submission of the next lowest bidder, Campus Coordinates is responsive; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation as set forth herein; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to CAMPUS COORDINATES whose address is 1711 Ginesi Drive, Freehold, NJ 07728 for a period of one (1) year with an option to renew for one two-year or two one-year periods on the same terms and conditions as specified in the bid, in a total amount not to exceed \$78,688.47; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with CAMPUS COORDINATES in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$78,688.47 are available for the aforesaid contract in 09-201-55-400-266, 01-201-27-134-266, 01-201-20-083-266, 01-201-28-146-266 and 01-201-26-121-266; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. CAMPUS COORDINATES
- b. Township Business Administrator
- c. Township Director of Recreation

At 8:20PM, Councilwoman Mazzola moved that the meeting be adjourned. This was seconded by Council Vice President Marder, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: JUNE 13, 2013

OFFERED BY: METZGER AYES: 4

SECONDED BY: CANTOR NAYS: 0

ABSTAIN: LA ROCCA

ALIDA MANCO,
MUNICIPAL CLERK

RANDI MARDER,
COUNCIL VICE PRESIDENT